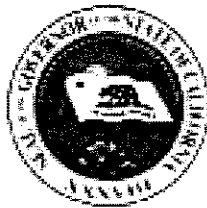


Safely Surrendered Baby Law (SSB)

Report to the Legislature

January 2005



STATE OF CALIFORNIA
Arnold Schwarzenegger, Governor

HEALTH AND HUMAN SERVICES AGENCY
Kimberly Belshé, Secretary

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
Dennis J. Boyle, Director

**Report to the Legislature on
THE SAFELY SURRENDERED BABY LAW**

LEGISLATIVE MANDATE

Senate Bill (SB) 1368 (Brulte) Chapter 824, Statutes of 2000, requires the California Department of Social Services (CDSS) to report to the Legislature on the effectiveness of the Safely Surrendered Baby Law. The reports are due on or before January 1, 2003, January 1, 2004, and January 1, 2005. This is the second report to the Legislature. Pursuant to SB 1368, the report is to include the number of babies abandoned, those babies safely surrendered, their approximate age, and if evidence of abuse or neglect appeared. Information is also required about the parent or other person surrendering the baby, whether or not a medical questionnaire was completed, if they tried to reclaim the infant within 14 days, and the success of social workers contacting parents or legal guardians.

Additional copies of this report can be obtained from:

California Department of Social Services
Child Protection and Family Support Branch
744 P Street, M S 11-87
Sacramento, California 95814
(916) 651-6600

Copies may also be obtained on the CDSS website: www.babysafe.ca.gov.

Contents

	PAGE
Executive Summary	4
What is the Safely Surrendered Baby Law?	5
Safely Surrendered Baby Data Law Collection	6
Public Awareness and Outreach Campaign	8
Safely Surrendered Baby Law Implementation Timeline	9
Appendix	10

Executive Summary

California is among more than 45 states responding to the dilemma of baby abandonment by providing a life-saving alternative for distressed parents who are unwilling or unable to care for a child. Through the enactment of SB 1368 (Brulte), Chapter 824, Statutes of 2000, a parent or individual having lawful custody of a newborn is granted immunity from criminal prosecution for abandonment if they surrender the baby at a hospital or other designated safe surrender site. The baby may be no older than 72 hours.

Commonly known as the Safely Surrendered Baby (SSB) law, or "Safe Haven" law, SB 1368 became effective January 1, 2001, in response to the increasing number of abandoned baby deaths in California, as reported by media accounts. The law is intended to spare the life of an infant by encouraging parents or person with lawful custody to safely surrender their babies at a safe surrender site rather than abandoning them in an unsafe location. The law will be repealed on January 1, 2006, unless subsequent legislation extends or deletes this date.

In March 2003, the California Department of Social Services (CDSS) initiated phase two of a public awareness campaign and contracted with tmdgroup, Inc. to develop a comprehensive outreach program. The campaign was funded by a \$1 million dollar grant from First 5 California (formerly California Children and Families Commission) and \$250,000 from the California Children's Trust Fund. Collateral materials were produced and distributed to county welfare agencies, probation departments, and numerous community-based and civic organizations.

Since the implementation of the SSB law, several changes have taken place to enhance its effectiveness. Assembly Bill (AB) 2817 (Maddox), Chapter 1099, Statutes of 2002, requires school districts to include information about the law in sex education classes. Under SB 139 (Brulte), Chapter 150, Statutes of 2003, a child may now be surrendered at any hospital or other designated safe surrender site. Previously, a designated employee at a hospital emergency room or other location was the only person permitted to accept a baby. In addition, SB 139 provides confidentiality of certain information and requires all safe surrender sites to post a sign incorporating the Statewide SSB logo.

Accurate reporting of the number of abandoned babies found alive and deceased continues to pose a challenge as the requisite information solely depends upon cross reporting between law enforcement agencies and child welfare services. At the time of CDSS' initial Report to the Legislature in 2003, which covered the period of January 1, 2001 through October 21, 2002, there were 12 safely surrendered babies confirmed. During the current two-year reporting period of October 22, 2002 through September 30, 2004, an additional 52 newborns have been reported as receiving safe-haven protection, bringing the total number of safely surrendered babies to 64, under the provisions of SSB. Interestingly, SSB data indicates the age of the surrendering parents or lawful guardians ranges from 15 to 42 years old, despite the popular belief before implementation that mothers in their early teens would be most likely to take advantage of the law.

What is the Safely Surrendered Baby Law?

The law provides a parent or other person having lawful custody of a newborn, 72 hours old or younger, with immunity from criminal prosecution for abandonment if that person delivers the baby to a hospital or any other safe surrender site designated by a county board of supervisors. If the baby shows visible signs of abuse or neglect, information may be requested of the parent or person surrendering the baby.

While adoption should always be the first consideration, the SSB law is designed to prevent the death of an infant by offering parents or person having lawful custody, a safe alternative to abandoning their baby. In addition to California, 45 other states have such laws in place to discourage baby abandonment.

How Does the Safely Surrendered Baby Law Work?

The parent or person having lawful custody must take the baby, within three days of birth, to a hospital, or other safe surrender sites and indicate that the baby is being surrendered under the SSB law. No questions will be asked. A coded, confidential ankle bracelet is placed on the infant and an effort made to provide the surrendering person with a replica bracelet and a medical questionnaire, which is voluntary. The hospital taking physical custody of the baby must conduct a medical examination and provide any needed medical care. After taking physical custody of the infant, the accepting personnel is required to notify the county Child Welfare Service (CWS) agency no later than 48 hours and also provide any pertinent medical information.

The county CWS agency is responsible for taking temporary custody of the child immediately upon receiving notification that a baby has been surrendered. Additionally, the CWS agency must immediately investigate the details of the case and file a petition for dependency with the juvenile court. It must also immediately notify CDSS of each safely surrendered baby taken into custody and report all known identifying information to the California Missing Children Clearinghouse and the National Crime Information Center. Identifying information about the parent or person surrendering the child is excluded from all public information.

What Happens to the Baby After He/She is Safely Surrendered?

Although the juvenile court dependency process begins at the time the CWS agency takes temporary custody, the SSB law allows for a 14-day "cooling off" period. During this time, the person who surrendered the infant may seek to reclaim the baby. If the baby is not reclaimed, the dependency process continues. The baby becomes a dependent of the court and enters the foster care system, with adoption as the goal.

If an attempt to reclaim a baby is made, the CWS agency would follow existing procedures and protocols in effect prior to releasing the child to an abandoning parent. These include, but are not limited to, the following steps: 1) verify the person's identity, 2) conduct an assessment of the person's circumstances and ability to parent, 3) request that the juvenile court dismiss the petition for dependency, and 4) order the release of the child unless there is reasonable cause to believe that such action would place the child at risk of abuse or neglect.

Safely Surrendered Baby Law Data Collection

Pursuant to the requirements in SB 1368, the following data have been compiled from various reports received from county CWS agencies. It incorporates information obtained since the last reporting period ending October 21, 2002 through September 30, 2004:

1. The number of children 1-year old and younger who are found abandoned in California for each reporting year.

The CDSS has received cumulative reports of 105 abandoned babies who were found alive and 23 abandoned babies (as known by CWS system) who were found deceased through September 30, 2004. These figures also represent non-SSB children who were abandoned.

	2001	2002	2003	2004 Jan-Sept	TOTAL
Abandoned/Alive Babies	30	33	25	17	105
Abandoned/Deceased Babies (as known by CWS only)	11	11	1	0	23

The ability to collect accurate data on abandoned children found deceased has been very challenging because cross reporting of child fatalities doesn't always occur between child welfare services and other agencies that are more likely to have this information, such as county coroners or law enforcement. The CDSS has encouraged CWS agencies to establish procedures with their local law enforcement agencies, child death review teams, and coroner's office to ensure they are notified when deceased infants are discovered.

Additionally, in a letter dated April 1, 2003, the Department of Justice, in conjunction with the California State Child Death Review Council, reminded all county sheriffs, chiefs of police, county coroners, county medical examiners, county child death review team chairs, and all homicide investigators of their responsibility to cross-report all cases of child deaths related to child abuse and neglect, especially those infants who die as a result of being abandoned by a parent(s).

2. The number of infants surrendered, by age, under this law:

In addition to the 12 safely surrendered babies cited in the January 2003, report, there were an additional 52 infants surrendered during the current two-year reporting period ending September 30, 2004, bringing the total number to 64. Of the 64 surrendered babies, 39 were several hours old, 16 were a day old, 6 were two days old, and 3 were three days old.

3. The number of medical information questionnaires that are completed:

Three medical questionnaires are known to have been completed. Eight parents provided sparse medical information to staff and seven parents refused to complete a questionnaire. In many cases, the CWS worker made no mention in his/her CWS report as to whether or not a medical questionnaire was offered or completed.

4. **The number of instances where the parent or other person having lawful custody seeks to reclaim custody of the child, both during and after the 14-day time period, and the outcome of these requests:**

There is only one instance where the parent attempted to reclaim the child. As previously discussed, the CWS agency is required to follow existing procedures and protocols prior to releasing the child to an abandoning parent. Such protocols include conducting an assessment of the person's circumstances and ability to parent. After expressing an interest in reclaiming her child, the mother moved away without leaving a forwarding address prior to completion of the assessment. Consequently, the child was not released to the maternal parent.

5. **Whether a person seeking to reclaim custody of a child is the same person who surrendered the child:**

As noted above, there was just one instance where the parent attempted to reclaim the child.

6. **The number of children surrendered under this law who show signs of neglect or abuse and the disposition of those cases:**

Of the 64 newborns surrendered under the SSB law, 52 showed no signs of abuse or neglect. However, 10 newborns tested positive for drugs and there were two cases in which the results of the tests were not indicated. All 64 safely surrendered babies were placed in foster care homes and will, hopefully, be adopted.

7. **The number of parents or legal guardians who were eventually located and contacted by social workers:**

To date, there has not been a single instance where contact with a parent or legal guardian was made by a CWS worker subsequent to the baby's surrender.

Public Awareness & Outreach Campaign

With the generous support of \$1 million from First 5 California and \$250,000 from the Children's Trust Fund, more Californians are becoming familiar with the SSB law through the "No Shame, No Blame, No Names" media and public awareness campaign.

The phase II campaign was initiated in March 2003, through a two-year contract between tmdgroup, Inc. and CDSS to develop a more strategic, comprehensive plan designed to heighten public awareness about the SSB program. Major components of the campaign included Statewide radio and television media buys, aggressive public relations, community outreach, and corporate sponsorship solicitation.

During a seven-month period, from May 2003, through December 2003, more than 3,900 paid announcements aired on network affiliate and cable television stations and another 7,500 spots ran as public service announcements in five major markets. According to Arbitron and Nielsen ratings, these SSB announcements reached more than 4.5 million California households. The announcements also appeared in movie theaters in the cities of Fresno and Sacramento.

In addition, the campaign received media coverage through Statewide newspaper circulation of nearly five million. Collateral materials (brochures, posters and wallet cards) were also disseminated in both English and Spanish. Print ads were also placed in five college newspapers.

To supplement the public relations activities conducted in the initial phase of the campaign, the CDSS developed comprehensive Statewide media target lists, including ethnic press, columnists and teen and women's publications.

Recognizing its current and future budget restrictions, the goal of the CDSS in the phase II campaign was to raise SSB visibility and to expand outreach opportunity through greater involvement by the counties. To promote and continue localized education and outreach efforts, a County Support Kit was developed to allow the counties flexibility in customizing the campaign materials being disseminated by the CDSS. The kits included adaptable radio and television Public Service Announcements that allow room at the end for local information by each county; camera-ready artwork; media buying tips; template press materials; sample set-up kits and placard purchasing forms for newly designated fire stations and a PowerPoint training CD to help county staff and community groups understand the SSB law and how it works. These kits were distributed to each of the 58 counties in California.

Safely Surrendered Baby Law Implementation Timeline

- January 12, 2001, CDSS issued All-County Letter No. 02-01, providing counties with direction for handling SSB law cases, as well as the data collection process to be utilized by county Child Welfare Services (CWS).
- October 30, 2001, the California Department of Health Services issued Letter No. 01-58, detailing the Medi-Cal eligibility determination process for children surrendered under the SSB law, as well as the process for claiming reimbursement for providing health screening to safely surrendered babies. The letter also addressed a hospital's responsibility to provide care for these newborns until the child is placed with a responsible relative/caregiver or is in the foster care system with continued eligibility established under normal Medi-Cal program criteria. Copies of the medical questionnaire, in Spanish and English, were enclosed with the letter.
- September 18, 2002, CDSS issued All-County Information Notice I-66-02, to remind county CWS agencies of the reporting requirements for both the SSB Law and Child Death cases. Additionally, CDSS reissued All-County Letter No. 14-01 (October 30, 2001), that explained the process for recording child fatalities related to child abuse and neglect on the Child Welfare Services/Case Management System (CWS/CMS).
- September 20, 2002, CDSS issued All-County Information Notice I-68-02, to provide information about the launching of the SSB Public Awareness Campaign and the availability of materials to increase awareness and promote this important law.
- February 27, 2003 & May 5, 2003, CDSS assembled a SSB workgroup comprised of representatives from public and private agencies involved with child welfare services to discuss and develop proposed legislative changes to enhance the law.
- September 17, 2003, CDSS issued All-County Information Notice I-57-03, to reaffirm that voluntary relinquishment remains the preferred option and to clarify that babies may be voluntarily surrendered utilizing the SSB law whether or not the birth occurred in a hospital.
- January 1, 2004, provisions of SB 139 eliminated the requirement that the child be surrendered to a "designated employee" on duty in the emergency room of a hospital or location designated by a county board of supervisors. Under this provision, information about the parent is to be kept confidential and safe surrender sites must display a statewide safely surrendered baby logo adopted by CDSS.

Appendix

All-County Letter No. 02-01 (Safely Surrendered Baby Law)

All-County Information Notice I-04-01 (Child Welfare Services/Case Management System (CWS/CMS) Statewide Bulletins)

All-County Information Notice – Reissue of All-County Letter 14-01 (Reporting of Safely Surrendered Baby Cases and Child Deaths)

Department of Health Services Letter No. 01-58

All-County Information Notice I-66-02 (Reporting Requirements: Safely Surrendered Baby Law and Child Fatalities)

All-County Information Notice I-68-02 (Public Awareness Campaign)

All-County Information Notice I-57-03 (Safely Surrendered Baby Law – Hospital Births)

Letter dated April 1, 2003, from the Department of Justice and the California State Child Death Review Council, to all County Sheriffs, all Chiefs of Police, all County Coroners and Medical Examiners, all County Child Death Review Team Chairs, and all Homicide Investigators.

All-County Information Notice I-16-04 (Safely Surrendered Baby Law – updates)

Website: www.babysafe.ca.gov